

# Exhibit

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1                               IN THE UNITED STATES DISTRICT FOR  
2                               THE MIDDLE DISTRICT OF TENNESSEE  
                                  NASHVILLE DIVISION

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4       DAN McCALEB, Executive  
5       Editor of  
6       THE CENTER SQUARE,

Case No. 3:22-cv-00439

Plaintiff,

Judge Richardson

7       vs.

Magistrate Judge  
Frensley

8       MICHELLE LONG, in her  
9       official capacity as  
10      DIRECTOR of the  
11      TENNESSEE ADMINISTRATIVE  
12      OFFICE OF THE COURTS,

Defendant.

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17                               Deposition of:

18                               GINO BULSO

19                               Taken on behalf of the Plaintiff  
20                               October 9, 2023

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24                               Saba McKinley, LCR, RPR, CRI  
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3 A P P E A R A N C E S  
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20 Also Present:

21 For Witness Bulso  
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I N D E X

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E X H I B I T S

(None marked)

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2           S   T   I   P   U   L   A   T   I   O   N   S  
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4           The deposition of GINO BULSO was taken by counsel  
5 for the Plaintiff, by Notice, at the John Sevier State  
6 Office Building, 500 Dr. Martin Luther King, Jr.  
7 Boulevard, Nashville, Tennessee, on October 9, 2023, for  
8 all purposes under the Federal Rules of Civil Procedure.

9           All formalities as to caption, notice, statement  
10 of appearance, et cetera, are waived. All objections,  
11 except as to the form of the question, are reserved for  
12 the hearing, and that said deposition may be read and  
13 used in evidence in said cause of action in any trial  
14 thereon or any proceeding herein.

15           It is agreed that SABA MC KINLEY, LCR, RPR, CRI,  
16 may swear the witness, and that the reading and signing  
17 of the completed deposition by the witness are waived.  
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1 BY MR. DOUGHERTY:

2 Q Can you describe the commission?

3 A A commission is a group of attorneys and judges  
4 appointed by the Tennessee Supreme Court pursuant to  
5 16-3-601 to assist it in modifying Rules of Civil and  
6 Criminal Procedure.

7 Q We'll get to those different committees in a  
8 moment.

9 So I think you said this already, but there are  
10 members of the judiciary that serve on the commission?

11 A In an ex officio capacity, yes.

12 Q What does that mean?

13 A It means they're nonvoting members.

14 Q But they're on the actual Advisory Commission,  
15 the judicial members?

16 A I'm not sure exactly how to answer that. I  
17 know that the statute gives the Supreme Court the  
18 authority to appoint members to the commission. I know  
19 that we've got attorneys who vote on proposals that come  
20 before the commission, and that we have judges who are  
21 involved in the meetings but who do not actually vote.

22 When you say that they're members of the  
23 commission, I'm not exactly sure I can answer that  
24 specifically.

25 Q Have you ever gone to the AOC website and seen

1 Q Who was that?

2 A Michelle Consiglio.

3 Q So she's currently providing administrative  
4 support. I think that's your testimony, correct?

5 A I believe she's currently on maternity leave.  
6 But when she's not on maternity leave, yes, she is.

7 Q I think you're right. She'll be back in  
8 November, is my understanding.

9 It's also your testimony when you joined the  
10 Advisory Commission in 2016, Ms. Young was there  
11 participating in your meetings?

12 A I believe so. I believe she was participating  
13 then in the same respect that she participates now.

14 Q And that would be providing administrative  
15 support?

16 A Yes.

17 Q From 2016 through 2022, during your time  
18 serving on the commission, were any of those meetings  
19 ever open to the public?

20 A I'm not sure.

21 Q How would you know if they were open to the  
22 public?

23 A I mean, if someone had told me, I presume that  
24 I would know.

25 Q If there were a public meeting notice still



1 operate as efficiently as possible, whether we should  
2 use the committee structure, whether we should have  
3 subcommittees, who we should perhaps assign to  
4 committees to make sure that they're evenly and  
5 appropriately staffed.

6 Q Okay. I think you said -- I want to make sure  
7 I understood this.

8 Did you say in your earlier testimony that you  
9 serve at the pleasure of the Tennessee Supreme Court?

10 A I did say that.

11 Q Is that language, is that in the statute?

12 A Yes.

13 Q It is?

14 A It is implicitly in 16-3-601.

15 Q I think, as I recall, the AOC director uses  
16 that language, "Serves at the pleasure of the chief  
17 justice of the Supreme Court"; would that be correct?

18 A I don't know.

19 Q But you're saying implicitly, you, as the  
20 chair -- who do you serve at the pleasure of, the  
21 Supreme Court or the Chief Justice?

22 A The Supreme Court.

23 Q Tell me how that is implicit. What does that  
24 mean? What do you do vis-à-vis your relationship with  
25 the Supreme Court members?

1       A    Well, the statute states explicitly that it's  
2 the Supreme Court who appoints the members. So at any  
3 day, the Supreme Court could decide to appoint someone  
4 else.

5       Q    Okay. So do you -- let's say through a year,  
6 and you're about to have four quarterly meetings.

7       A    All right.

8       Q    Would you ever communicate with any members of  
9 the Supreme Court during the course of that year about  
10 potential Advisory Commission roles?

11           MS. CARTER: Object to form.

12           THE WITNESS: I've never done that about a  
13 rule. But, I mean, certainly I've had communications  
14 with our Supreme Court liaison over times about other  
15 things.

16 BY MR. DOUGHERTY:

17       Q    How do you communicate with your Supreme Court  
18 liaison? Do you do it while you're at the meeting or at  
19 a later time?

20       A    By telephone, typically.

21       Q    Who was the Supreme Court liaison in 2022 from  
22 the Supreme Court?

23       A    Justice Lee.

24       Q    How often did you communicate by telephone with  
25 Justice Lee during the 2022 calendar year?

1 REPORTER'S CERTIFICATE


2  
3 STATE OF TENNESSEE

4 COUNTY OF DAVIDSON

5 I, Saba Mc Kinley, court reporter, with offices  
6 in Clarksville, Tennessee, hereby certify that I  
7 reported the foregoing deposition of GINO BULSO by  
8 machine shorthand to the best of my skills and  
9 abilities, and thereafter the same was reduced to  
10 typewritten form by me.

11 I am not related to any of the parties named  
12 herein, nor related to their counsel, and have no  
13 interest, financial or otherwise, in the outcome of the  
14 proceedings.

15 I further certify that in order for this document  
16 to be considered a true and correct copy, it must bear  
17 my original signature, and that any unauthorized  
18 reproduction in whole or in part and/or transfer of this  
19 document is not authorized, will not be considered  
20 authentic, and will be in violation of Tennessee Code  
21 Annotated 3-914-104, Theft of Services.

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SABA MC KINLEY, LCR, RPR, CRI  
Licensed Court Reporter  
Registered Professional Reporter  
Certified Reporting Instructor

LCR #843 - Expires: 6/30/2024